

## **BILL ANALYSIS**

Senate Research Center  
76R505 DLF-D

S.B. 61  
By: Madla  
Health Services  
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As Filed

### **DIGEST**

Currently, Texas law regulating tattoo and ear piercing facilities does not include body piercing and body piercing professionals. Body piercing is an invasive procedure which has the potential to cause infections and contribute to the spread of communicable diseases. In 1998, the Texas Department of Health received 69 complaints regarding body piercing including unsanitary conditions, inappropriate touching, and injuries. This bill makes provisions regarding the regulation of body piercing, including a requirement for specific written parental consent.

### **PURPOSE**

As proposed, S.B. 61 makes provisions regarding the regulation of body piercing, including specific written parental consent, and clarifies that a tattoo license is separate from a body piercing license.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Board of Health in SECTION 16 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading of Chapter 146, Health and Safety Code, as follows:

Chapter 146. New heading: TATTOO AND CERTAIN BODY PIERCING STUDIOS

SECTION 2. Amends Section 146.001, Health and Safety Code, to define “body piercing,” “body piercing professional,” “body piercing studio,” and “ear piercing.” Redefines “temporary location.” Makes conforming changes.

SECTION 3. Amends Chapter 146, Health and Safety Code, by amending Section 146.002 and adding Section 146.0025 as follows:

Sec. 146.002. LICENSE REQUIRED. Prohibits a person from conducting, operating, or maintaining a body piercing studio without a license issued by the Texas Department of Health (TDH). Makes conforming changes.

Sec. 146.0025. EXEMPTIONS FROM LICENSING REQUIREMENTS; EAR PIERCING ESTABLISHMENTS EXEMPT. Sets forth to whom this chapter does not apply. Provides that a person who operates only an ear piercing facility is not required to obtain a license under this chapter.

SECTION 4. Amends Sections 146.003(a) and (b), Health and Safety Code, to make conforming changes.

SECTION 5. Amends Sections 146.004, Health and Safety Code, to make conforming changes.

SECTION 6. Amends Section 146.006(a), Health and Safety Code, to make conforming changes.

SECTION 7. Amends Section 146.007, Health and Safety Code, to make conforming changes.

SECTION 8. Amends Section 146.008, Health and Safety Code, to include body piercing with tattooing in text relating to the professionals performing the services.

SECTION 9. Amends Section 146.009, Health and Safety Code, to make conforming changes.

SECTION 10. Amends Section 146.010, Health and Safety Code, to make conforming changes.

SECTION 11. Amends Sections 146.011(a) and (b), Health and Safety Code, to make conforming changes.

SECTION 12. Amends Chapter 146, Health and Safety Code, by adding Section 146.0125, as follows:

Sec. 146.0125. **BODY PIERCING PROHIBITED WITHOUT PARENTAL CONSENT; EXCEPTION.** Prohibits a body piercing professional from performing piercing on a person younger than 18 without the prior written consent of the minor's guardian. Requires the written consent to indicate which part of the minor's body will be pierced. Provides that this section does not apply if the external part of the person's ear is to be pierced.

SECTION 13. Amends Section 146.013(a), Health and Safety Code, to require the body piercing professional to maintain a permanent record of each person whose body is pierced for a period to be established by the Texas State Board of Medical Examiners.

SECTION 14. Amends Section 146.014, Health and Safety Code, to make conforming changes.

SECTION 15. Amends Section 146.016, Health and Safety Code, to make conforming changes.

SECTION 16. Requires the Texas Board of Health to adopt rules to implement the change in law created by this Act, by January 1, 2000. Makes application of this Act prospective to June 1, 2000.

SECTION 17. Effective date: September 1, 1999, except as provided by SECTION 16(b) of this Act.

SECTION 18. Emergency clause.